

REMARKS

Claims 1 to 33 were originally filed; claims 29 to 33 stand unelected pursuant to a Restriction Requirement; claims 1 to 28 have been canceled; new claims 34 to 38 have been entered.

Amendments have been made to Paragraph [0060] to correct a spelling error and to correct an error in Paragraph [0042] describing the shape of the cross-section 126 of catheter 110 as seen in Figure 8, which is shown as circular, not oval.

Claims 1, 2, 4 to 8, 10 to 24, 27 and 28 stand rejected under 35 USC § 102(b) as being anticipated by Ash et al (U.S. Patent No. 5,947,953). All subject claims have been canceled

Claims 3, 9, 25 and 26 stand rejected under 35 USC § 103(a) as being unpatentable over Ash et al in view of Brenner (U.S. Patent No. 6,497,681). (It is believed that claim 9 was not intended to be rejected in this paragraph.) All subject claims have been canceled.

Claim 9 stands rejected under 35 USC § 103(a) as being unpatentable over Ash et al in view of Butler et al (U.S. Patent No. 6,758,854). Claim 9 has been canceled.

Claims 1 to 6 and 8 to 28 stand provisionally rejected under 35 USC § 101 as claiming the same invention as that of claims 1 to 6 and 8 to 28 of copending Application No. 10/974,267. All subject claims have been canceled.

Newly entered claim 34 is directed toward a catheter assembly not initially including a hub and extension tubes when placed in a patient by a surgeon, and a (separate) hub and (separate) extension tube assemblies. Support for this claim is found in the Specification at Paragraphs [0036] and [0050] and [0055], and implicitly in Figures 10 and 11. The process described in Paragraphs [0050] to [0055] is known as "retrograde" tunneling. The present invention as presently claimed is adapted to be suitable for such a process. The hub and the extension tube assemblies are adapted to be secured to the catheter assembly by the surgeon, the hub being "releasably attachable" to the catheter assembly. None of the three references applied by the Examiner disclose a "releasably attachable" hub.

No new matter has been entered by the present amendment, and early examination is respectfully requested.

Respectfully submitted,

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